

# **AGENDA EXCOMM MEETING**

**Trusts and Estates Section  
State Bar of California**

**SATURDAY, MARCH 20, 2004  
LAX CROWNE PLAZA — LOS ANGELES  
9:30 A.M. to 12:30 P.M.**

## **I. WELCOME, INTRODUCTIONS AND REPORTS OF CHAIR/VICE CHAIR**

- 1. Welcome** [GODSHALL]
- 2. Approval of Minutes of February Meeting** [GODSHALL]
- 3. Report of Chair** [GODSHALL]
- 4. Report of Vice Chair** [FITZPATRICK]
  - (a) MCLE Segment for ExComm Retreat
- 5. Report of Section Administrator** [ORLOFF]  
Administrative Matters

## **II. ADMINISTRATIVE MATTERS**

- 1. Finance and Budget – Financial Report** [FITZPATRICK]
- 2. Council of State Bar Sections** [OLDMAN]
- 3. Nominating Committee Process —** [OLDMAN]
  - (a) Status of Applications
  - (b) March meeting of Nominating Committee

## **III. COMMITTEE, TASK FORCE AND LIAISON REPORTS**

- 1. Educating Seniors** [TONG]
  - (a) Revision of Senior Information Hotline [Potts]
  - (b) Seniors and the Law Brochure - Chinese, Vietnamese, Korean & Tagalog translations [Tong]
  - (c) New Financial Elder Abuse Brochure [Tong]
  - (d) Speaker's Bureau [Tong]
  - (e) Use of AMA Funds
  - (f) Proposed GC § 27389 (AB 2611) and AB 2316 [Pollard]
- 2. CLRC Committee** [MOORE/WOLFF]
  - (a) Report on CLRC meeting
  - (b) Legal Malpractice S/L
  - (c) Other pending or looming CLRC projects
  - (d) Shares of Omitted Spouse (Work on Abatement Statute Deferred)
  - (e) Uniform Trust Act/Prof. English Report

- 3. Trust & Estate Administration Committee** **[DOCKER]**
- (a) Opposition to SB 1248 (Trustee Registration) **[Henden]**
  - (b) Discussion of AB 2687, AB 2872, and SB 1262
  - (c) Recording Notice of Change of Trustee **[Hartog]**
  - (d) Unitrust Safe Harbor Project/Progress re 90/10 Rule re Certain Trust Receipts **[Burger]**
  - (e) Exploratory workgroup on graduated probate filing fees **[Potts]**
  - (f) Trustee bond waiver/PC § 15602 – AB 1883
  - (g) Clarification of H&SC § 103526(a)(5) (obtaining certified copy of death certificate)
- 4. Quarterly** **[HANDELMAN]**
- (a) Winter 2003 Issue status
  - (b) Spring 2004 Issue status
  - (c) Solicitation of articles
  - (d) Advertising **[Burger]**
- 5. Incapacity** **[HARRIS/STERN]**
- (a) Support of AB 2493
  - (b) PC §§ 1900-1901 and 2351.5 amendments
  - (c) B&PC § 6068.5 — Attorney role in helping at-risk clients **[Lodise]**
  - (d) HIPAA Issues working group
  - (e) Ongoing projects:
    - (1) Conservator investment powers – reform of PC § 2574
    - (2) Appointed counsel for the already represented – amendment of PC §§ 1470-1471
    - (3) Conservator independent powers – PC §§ 2590-2591
  - (f) AB 1101 Task Force **[Lodise]**
  - (g) DHS – Revamping of Medi-Cal law
- 6. Membership & Marketing** **[ALBERIO]**
- (a) Membership count
  - (b) Marketing of education programs
- 7. Legislation** **[POTTS]**
- (a) Report on pending legislation
  - (b) Legislative proposals submitted to State Bar for next year

- (c) State Bar Webpage & Online Bill Tracking legislative information:  
Larry Doyle's Legislative Information Page:  
[www.calbar.ca.gov/calbar/html\\_unclassified/ViewBillCatalogues.html](http://www.calbar.ca.gov/calbar/html_unclassified/ViewBillCatalogues.html)
- (d) **IMPORTANT GUIDELINES:**
  - Please use approved format for legislative proposals.
  - Please Use Comment form for comments on legislation as a member of EXCOMM.
  - Always write to Larry Doyle, not directly to a member of legislature or legislative staff.
  - If you agree to testify, be there unless otherwise notified.

**8. Income and Transfer Taxes**

**[ALLEN]**

- (a) State Legislation of Note
- (b) Federal Legislative Developments
- (c) Status of Bd/Equalization re Domestic Partner Transfers
- (d) Uncoupling of Estate Tax with California Estate Tax

**9. Education**

**[KOONTZ]**

- (a) Report on Winter SEI Programs
- (b) "Stand-alone" programs:
  - (1) Repeat of Mock Trial Program – April 2004 in LA
  - (2) Fundamental "How to Prepare The Form 706" [June 2004]
- (c) Status of programs for 2004 State Bar Meeting/Fall Road Show (11-5-04)

**10. Ethics Committee**

**[WOLFF]**

- (a) Report of Liaison to Revision Commission
- (b) Update of Ethics Guide — Handout Assignments-Status

**11. Estate Planning Committee**

**[BEAMER]**

- (a) 2 Year Bill re Posthumous Children, AB 1910  
**[Sinsheimer]**
- (b) AB 205/Domestic Partner Subcommittee **[Payne]**
  - Proposed revised and new PC sections re domestic partners
- (c) PC § 21350 Care Custodian Project
- (d) AB 252 (dis-establishing paternity)
- (e) Revocable deed w/reserved life estate

**12. Litigation Committee**

**[KOVAR]**

- (a) No Contest Clause Project **[Kovar]**
- (b) Multiple-Party accounts – CLRC study **[Moore]**
- (c) Will/Trust Contest Procedures Subcommittee **[Kovar]**
- (d) Evidence Code § 1260 Project **[Wolff]**
- (e) ADR Model Rules **[Henden]**
- (f) McAdams/Duty to defend
- (g) AB 2371
- (h) New cases **[Henden]**

**13. Computer/Internet**

**[HANDELMAN]**

- (a) Listserve

**14. Conference of Delegates**

**[MOORE]**

**15. CEB**

**[DENNIS-  
STRATHMEYER]**

- (a) Upcoming Programs
- (b) Ads in CEB publications

**16. NCCUSL Observers**

- (a) Uniform Trust Act
- (b) Uniform Institutional Management of Funds Act
- (c) Uniform Allocation of Tax Act - Birnberg

**IV. COMING ATTRACTIONS**

**NEXT EXCOMM MEETING**

**Annual Retreat  
April 23-25, 2004  
LA QUINTA**